



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

June 3, 2025

BY ECF

The Honorable Arun Subramanian
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl St.
New York, NY 10007

Re: *Robert F. Kennedy Human Rights, et al. v. U.S. Dep't of Homeland Sec., et al.*, No. 25 Civ. 4349 (AS)

Dear Judge Subramanian:

This Office represents defendants United States Department of Homeland Security (“DHS”), United States Customs and Border Protection (“CBP”), United States Immigration and Customs Enforcement (“ICE”), United States Department of Homeland Security Office for Civil Rights and Civil Liberties (“CRCL”), and Office of the Inspector General, U.S. Department of Homeland Security (“DHS-OIG”), in the above-referenced case brought by Robert F. Kennedy Human Rights, National Immigration Project, and American Civil Liberties Union of Louisiana (collectively, “Plaintiffs”), pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. I write respectfully to request that the Court adjourn the initial pretrial conference currently scheduled for June 6, 2025, to a date on or after June 30, 2025, that is convenient to the Court and to the parties.

The reason for this request is because undersigned counsel was only assigned to this matter at 3:00 p.m. today, but I have pre-scheduled annual leave for childcare reasons on June 5, and June 6, 2025. In addition, I am in the process of obtaining agency counsel points of contact at DHS, CBP, ICE, and DHS-OIG,¹ and need time to obtain information from and confer with the agency concerning the FOIA requests at issue in this action to ascertain their positions and to be able to have a productive discussion with Plaintiffs to discuss whether they can come to agreement on a processing schedule and potentially narrow areas of dispute, as is the usual practice in FOIA cases, and which cannot occur before this Office has a meaningful opportunity to confer with defendants.

Moreover, the government’s time to respond to the complaint does not run until June 27, 2025, at the earliest. This FOIA action was filed on May 22, 2025, and summonses were issued

¹ CRCL no longer exists, but this Office understands that DHS will handle its response.

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on May 27, 2025. Even assuming they were served on this Office the same day,² under 5 U.S.C. § 552(a)(4)(C), defendants' response to the complaint is due no earlier than June 27, 2025.

Plaintiffs consent to the request for adjournment of the June 6 conference on account of undersigned counsel's conflict, but Plaintiffs prefer a rescheduled date within the first week of mutual availability as indicated below, with the understanding that defendants will make a good faith effort to meet and confer regarding this matter within the next two weeks.

If the Court reschedules the initial pretrial conference before the answer date, counsel for the parties have conferred, and they are available at the following dates and times:

- Monday, June 16, through Friday, June 20, from 9:00 a.m. to 1:00 p.m. in-person, and after 3:00 p.m. telephonically;
- Tuesday, June 24, and Wednesday, June 25, from 9:00 a.m. to 1:00 p.m. in-person, and after 3:00 p.m. telephonically; and
- Friday, June 27, from 8:00 a.m. to 6:00 p.m. telephonically.

We thank the Court for its consideration of this request.

Respectfully submitted,

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cc: All counsel of record (by ECF)

² Counsel for Plaintiffs has advised that service was effectuated by mail; at present undersigned counsel has not yet been able to confirm with the Civil Process Clerk the date of actual receipt under Rule 4(i) and 12(a)(2).